

REMARKS

The Office Action of February 11, 2008 has been received and the Examiner's comments carefully considered. The present Amendment amends claims 48-50, 59 and 62 all in accordance with the originally-filed specification. No new matter has been added. Further, claims 51-53, 57 and 58 have been cancelled, without prejudice. Accordingly, claims 48-50, 54-56, 59, 61 and 62 are pending in this application, and claim 48 is in independent form.

Initially, the Examiner objects to claim 59 as reciting "the modeling step (h)," where this limitation should properly read "the modeling step (j)." Based upon the foregoing amendments to independent claim 48, dependent claim 59 has been modified to refer to "the modeling step (i)." Accordingly, this claim has been amended to overcome the Examiner's objection.

Claims 48-59, 61 and 62 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner notes that the preamble in claim 48 includes "a three-dimensional object or a figurine," but the body of the claim only references the "figurine." Independent claim 48 has been modified to overcome this rejection, and the reference to "a three-dimensional object" has been removed from the preamble to this claim. Accordingly, Applicants submit that the particular metes and bounds for which Applicants seek protection is now clear and definite.

With respect to claims 51 and 57, the Examiner makes specific comments directed to these claims on page 3 of the Action. Through the foregoing amendment, claims 51 and 57 have been cancelled, thereby rendering the rejection in this regard moot. Therefore, for all the above reasons (and in accordance with the Examiner's suggested

Application No. 10/616,742
Paper Dated: June 10, 2008
In Reply to USPTO Correspondence of February 11, 2008
Attorney Docket No. 0702-030799

modifications), withdrawal of the objections and rejections of claims 48-59, 61 and 62 is respectfully requested.

In a corresponding European application, certain prior art documents have been brought to the attention of Applicants. Accordingly, filed concurrently herewith is a Supplemental Information Disclosure Statement providing these references to the Examiner for consideration. Applicants further assert that the claims, as amended, define over these additional previously-uncited prior art references.

Independent claim 48 of the present application, as amended, is directed to a mass production method for manufacturing successive spherical glass articles, in each of which is accommodated a figurine. The method includes the steps of: (a) providing a container with a mass of molten glass, the container including at least one discharge opening through which liquid glass can be delivered; (b) providing a plurality of pre-heated thermally resistant figurines; and (c) repeating the following steps (d)-(i) for successively enclosing a figurine in glass; (d) cutting a portion from liquid glass delivered via said at least one discharge opening; (e) guiding the portion into a first mold part having a substantially hemispherical bottom; (f) positioning one of said figurines at least partially in the portion of glass guided into the first mold part; (g) pressing the glass mass formed by at least said portion of glass with said figurine in said first mold part and a second mold part positioned on top of the first mold part having a substantially hemispherical cover and an opening therein, thereby forming a glass mass with the figurine enclosed therein; (h) removing the formed glass mass with the figurine enclosed therein from the first and second mold parts; and (i) modeling the mass with the figurine enclosed therein to a spherical form by omnidirectional rolling for a time, together with simultaneous cooling, such that the mass solidifies and forms a spherical article. Applicants submit that amended independent claim 48 teaches a novel

and inventive mass production method for manufacturing successive spherical glass articles, which is distinguishable from the prior art of record, including the references provided to the Examiner in the Supplement Information Disclosure Statement.

As set forth in independent claim 48, the figurines are pre-heated. Pre-heating the figurines prevents thermal shock, and also contributes to a higher temperature of the liquid glass immediately adjacent the figurine. Further, this higher temperature of the liquid glass causes a lower surface tension, and therefore, better adherence to the figurine. In addition, and as set forth in claim 48, the mass is pressed before releasing it from the mold. By pressing the mass before it is released, surplus air in the mass is removed; also leading to an improved product.

For the foregoing reasons, independent claim 48 is not anticipated by or rendered obvious over the prior art of record (including the newly-provided references), whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Accordingly, Applicants assert that the Examiner's previous assertion that the claimed method is distinguishable from the prior art of record be maintained.

Claims 49, 50, 54-56, 59, 61 and 62 depend either directly or indirectly from and add further limitations to independent claim 48 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 48. Further, Applicants assert that these dependent claims include specific features and steps that provide additional benefits and advantages to the unique method of independent claim 48. Therefore, for all the above reasons, Applicants assert that these claims continue to define over the prior art of record.

Application No. 10/616,742
Paper Dated: June 10, 2008
In Reply to USPTO Correspondence of February 11, 2008
Attorney Docket No. 0702-030799

For all the foregoing reasons, Applicants believe that claims 48-50, 54-56, 59, 61 and 62, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 48-50, 54-56, 59, 61 and 62 are respectfully requested.

Respectfully submitted,
THE WEBB LAW FIRM

By 

Nathan J. Prepelka
Registration No. 43,016
Attorney for Applicants
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com